

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DISTRIBUTION SERVICES OF AMERICA, INC.,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

Civil Action No. 7:23-cv-04635

Hon. Cathy Seibel

DEFENDANT ALLSTATE'S NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that Defendant Allstate Insurance Company, by its undersigned counsel, hereby moves this Honorable Court for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing with prejudice Plaintiff Distribution Services of America, Inc.'s Complaint (Dkt. 1) in its entirety, and for such other relief as the Court deems just and proper.

Dated: August 14, 2023

Respectfully submitted,

BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

By: /s/ J. Scott Humphrey

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